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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,134	04/30/2001	Franklin Grosvenor	50325-0519 (3693)	7900
29989	7590	08/11/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			JEANTY, ROMAIN	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			3623	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/846,134

Applicant(s)

GROSVENOR ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 and 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Election/Restrictions**

1. This Office action is in response to the communication (Election of Species) received on May 11, 2005. In the communication, applicants traversed the election requirement. Applicants supported their traversal of the election by arguing that the Office makes no showing of any burden on the examiner. The examiner respectfully disagrees with applicants because the claims (6-18) recite different set of limitations which pose a burden on the examiner to search for. Applicant is suggested to withdraw the non-elected claims, and these claims can depend on the independent claim when the independent claim is allowed. Applicants further argued the last office action states that the claims “are distinct species of the generic feature of wherein periodically applying rules comprises escalating comprises”, and the theses statements conflict because neither claim 1 nor 5 contain a reference to escalating. In response, the examiner notes the term “escalating comprises” was inadvertently types in the office action. Therefore the Election/Restriction is made final. Claims 6-11, 17-18 have been withdrawn. Claims 1-5, 12, 19-24 remain pending in the application.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 12, and 19-24 are rejected under 35 USC 102(e) as being anticipated by Stowell et al US 20020099579.

As per claim 1, Stowell et al discloses an event monitoring architecture for performance-based supply chain management system and method for monitoring and buyer and supplier engagement. In so doing, Stowell et al discloses receiving a first supply chain event information representing one or more first supply chain events from each of the supply chain partners at a database with each of the supply chain partners may communicate over a network (i.e. a server for receiving event information from suppliers) (See abstract), periodically applying one or more rules to the first supply chain event information (i.e. applying business rules to the event) [Paragraphs 0022 and 0078], generating one or more alerts pertaining to one or more discrepancies that are found in the supply chain event information, based on applying the rules [Paragraph 0078], communicating one of the alerts to only those supply chain partners who are participating in a transaction to which the discrepancies relate (i.e. emailing the alert to buyers and suppliers [Paragraph 0078], receiving second information that represents a second supply chain event that resolves the alert, and resolving the alert in the database based on the second information [Paragraph 0094].

As per claims 2-4, Stowell et al further discloses the step of periodically escalating the alert to one or more pre-defined associated with each of the supply chain partners who are participating in the transaction to which the discrepancies relate, until the second information is received [Paragraph 0192].

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As per claim 5, Stowell et al further discloses periodically evaluating one or more existing alerts that are stored in an alerts table of the database, determining whether a particular existing alert is marked as resolved and removing the particular existing alert from the alerts table [Paragraph 0165].

As per claim 12, Stowell et al further discloses receiving a set of updated manufacturing resource planning (MRP) data from a first supply chain partner, applying MRP profile rule that results in generating a user interface display that summarizes how the supply chain is affected by one or more changes reflected in the MRP data [Paragraph 0181 and 0190].

Claim 19 is a computer-readable medium carrying one or more sequences of instructions for automatically identifying and resolving one or more discrepancies in an outsourced manufacturing supply chain in which an enterprise and a plurality of its supply chain partners participate, which instructions, when executed by one or more processors, causing the one or more processors to carry the steps of method claim 1. Therefore claim 19 is rejected under the same rationale relied upon of claim 1.

Claim 20 is an apparatus for automatically identifying and resolving one or more discrepancies in an outsourced manufacturing supply chain in which an enterprise and a plurality of its supply chain partners participate for performing the steps of claim of method claim 1. Therefore claim 20 is rejected under the same rationale relied upon of claim 1.

Claims 21-23 are apparatus for automatically identifying and resolving one or more discrepancies in an outsourced manufacturing supply chain in which an enterprise and a plurality of its supply chain partners participate for performing the steps of claim of method claim 1.

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Therefore claim 20 is rejected under the same rationale relied upon of claim 1. In addition, Stowell et al discloses a network interface. Note the abstract of Stowell et al.

As per claim 24, Stowell et al further discloses periodically evaluating one or more existing alerts that are stored in an alerts table of the database, determining whether a particular existing alert is marked as resolved and removing the particular existing alert from the alerts table [Paragraph 0165].

As per claim 25, Stowell et al further disclose an administrative subsystem configured to enable an administrative user to create and store one or more values that define the pre-defined parties and one or more other characteristics of the supply chain partners [Paragraph 0152].

As per claims 26 and 27, Stowell et al further discloses user interface generating logic that is configured to generate one or more user interface pages comprises a summary view of the alerts, and includes one or more links to detailed views of information related to the one of the alerts that is shown in the summary view, wherein the links are selected from among a plurality of links relating to all alerts and include only links that specifically pertain to the one of the alerts that is shown in the summary view[ Paragraph 0183].

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Loveland (US Patent No. 6,810,383) discloses the concept of escalating an alert using rules when a compliance is not met by a supplier/service provider (col. 2, line 54 through col. 3 line 6).

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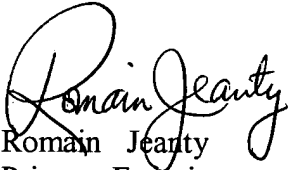
b. Lidow (US Patent No. 6,889,197) discloses a supply chain network where customers, suppliers are connected to a server to do business.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623  
8-8-05